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BUMBO (PTY) LTD.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 DYLAN LAMM, etc., et al.,

12 Plaintiffs,

13 vs.

14 BUMBO, et al.,

15 Defendants.
16
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Case No. C 07-04807 MHP

**DECLARATION OF JOHAN
NICHOLAS BUITENDACH IN
SUPPORT OF BUMBO (PTY)
LTD.'S REPLY TO OPPOSITION
TO AMENDED MOTION TO
QUASH SERVICE, DISMISS FOR
IMPROPER SERVICE, LACK OF
PERSONAL JURISDICTION
AND FAILURE TO SERVE AND
FOR SANCTIONS**

Date: March 10, 2008

Time: 2:00 pm

Place: Courtroom of the Hon.
Marilyn Hall Patel

21 I, Johan Nicholas Buitendach, declare:

22 1. I am the Owner of Bumbo (Pty) Ltd. This declaration is submitted in
23 support of Bumbo (Pty) Ltd.'s reply to plaintiffs' opposition to Bumbo (Pty) Ltd.'s
24 motion to quash service, dismiss for improper service, lack of personal jurisdiction
25 and failure to serve and for sanctions. I have personal knowledge of the facts
26 attested to in this declaration, except for those facts stated upon information and
27 belief, and, as to those facts, I believe them to be true. If called upon to do so, I
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DECLARATION OF JOHAN NICHOLAS BUITENDACH IN
SUPPORT OF BUMBO (PTY) LTD.'S REPLY TO
OPPOSITION TO AMENDED MOTION TO DISMISS
CASE NO.: C 07-04807 MHP

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1 could and would competently testify to all matters contained herein.

2 2. Bumbo (Pty) Ltd. is a manufacturing company located in South Africa
 3 which manufactures the Bumbo Baby Sitter, an infant seat.

4 3. Bumbo (Pty) Ltd. is a private company which has been organized
 5 under the laws of South Africa and has its principal place of business in Pretoria,
 6 South Africa.

7 4. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its
 8 corporate headquarters are located in Pretoria, South Africa.

9 5. The Bumbo Baby Sitter is manufactured and assembled entirely in
 10 South Africa by Bumbo (Pty) Ltd.

11 6. Bumbo (Pty) Ltd. manufactures the Bumbo Baby Sitter pursuant to a
 12 manufacturing agreement with a separate legal entity, which trades as Bumbo
 13 International. Bumbo International markets and distributes the Bumbo Baby Sitter
 14 to various markets world-wide.

15 7. I am informed and believe that a company called Wartburg
 16 Enterprises, Inc., located in Conroe, Texas, is an on-line distributor of the Bumbo
 17 Baby Sitter in Texas.

18 8. I am informed and believe that, for a brief period of time, Wartburg
 19 Enterprises, Inc. was given authority to communicate with the Consumer Product
 20 Safety Commission (CPSC) on behalf of Bumbo (Pty) Ltd. concerning the recall
 21 by the CPSC.

22 9. I am informed and believe that Wartburg Enterprises, Inc. set up a
 23 website, <http://www.bumbosafety.com>, to respond to inquiries regarding the recall.
 24 In addition, consumers were directed to download new warning labels regarding
 25 the Baby Sitter from this website.

26 10. I am informed and believe that Wartburg Enterprises, Inc. incorrectly
 27 stated on <http://www.bumbosafety.com> that the Baby Sitter was manufactured by
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1 "Bumbo International."

2 11. I am informed and believe that Wartburg Enterprises, Inc. listed the
3 name "Bumbo International" next to Wartburg's address in Conroe, Texas on the
4 website. Bumbo International does not now and never has had an office or address
5 in Conroe, Texas.

6 12. Bumbo (Pty) Ltd. and Wartburg Enterprises, Inc. are separate
7 companies and do not share common shareholders, officers, directors, employees
8 or offices.

9 13. Bumbo International and Wartburg Enterprises, Inc. are also separate
10 companies and do not share common shareholders, officers, directors, employees
11 or offices.

12 14. Wartburg Enterprises, Inc. is not authorized by Bumbo (Pty) Ltd. to
13 accept service of process on behalf of Bumbo (Pty) Ltd. or Bumbo International.

14 15. Neither Bumbo (Pty) Ltd. nor Bumbo International maintain any
15 offices or employees anywhere in Conroe, Texas.

16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18 Executed this 22 day of February, 2008 at DETERA

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Johan Nicholas Buitendach

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